APPEAL NO. 020093
FILED FEBRUARY 14, 2002

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on December 12, 2001. The hearing officer found that the appellant (claimant) was not injured as he claimed, that he did not give timely notice of his injury to his employer and was without good cause, and that any inability to work was due to something other than a compensable injury.

The claimant appeals the hearing officer's determinations that he did not sustain an injury, give timely notice, or have disability. The respondent (carrier) responds, urging the factual sufficiency of the evidence.

DECISION

We affirm the hearing officer's decision.

The claimant contended that he injured his back while lifting a mold that weighed between 850 to 900 pounds, and that he reported the injury on a daily basis to his supervisor. He worked for two months at his regular job until terminated for cause. An MRI performed by a chiropractic radiologist showed five levels of herniated discs.

A trier of fact is not required to accept a claimant's testimony at face value, even if not specifically contradicted by other evidence. Bullard v. Universal Underwriters Insurance Company, 609 S.W.2d 621 (Tex. Civ. App.-Amarillo 1980, no writ). In this case, however, there was conflicting testimony and other evidence. The trier of fact may believe all, part, or none of the testimony of any witness. Taylor v. Lewis, 553 S.W.2d 153, 161 (Tex. Civ. App.-Amarillo 1977, writ ref'd n.r.e.). The hearing officer is the sole judge of the relevance, materiality, weight, and credibility of the evidence presented at the hearing, including hearsay evidence admissible in these proceedings. Section 410.165(a). It was for the hearing officer, as trier of fact, to resolve the inconsistencies and conflicts in the evidence. Garza v. Commercial Insurance Company of Newark, New Jersey, 508 S.W.2d 701, 702 (Tex. Civ. App.-Amarillo 1974, no writ). This is equally true of medical evidence. Texas Employers Insurance Association v. Campos, 666 S.W.2d 286, 290 (Tex. App.-Houston [14th Dist.] 1984, no writ). In this case, the hearing officer made clear that he did not find the claimant or the medical evidence credible. We have reviewed the record and find sufficient support for these inferences and conclusions.

The decision of the hearing officer will be set aside only if the evidence supporting the hearing officer's determination is so weak or against the overwhelming weight of the evidence as to be clearly wrong or manifestly unjust. Atlantic Mutual Insurance Company v. Middleman, 661 S.W.2d 182 (Tex. App.-San Antonio 1983, writ ref'd n.r.e.). That is not the case here, and we affirm the decision and order.

The true corporate name of the insurance carrier is **AMERICAN CASUALTY COMPANY OF READING, PENNSYLVANIA** and the name and address of its registered agent for service of process is

C.T. CORPORATION SYSTEM
350 NORTH ST. PAUL STREET
DALLAS, TEXAS 75201.

Susan M. Kelley
Appeals Judge

CONCUR:

Terri Kay Oliver
Appeals Judge

Robert W. Potts
Appeals Judge